

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:

Amendment of Part 97 of the Commission's Rules)	
Governing the Amateur Radio Services)	WT Docket No. 04-140
)	

To: The Commission

PETITION FOR RECONSIDERATION

The Radio Amateur Satellite Corporation (AMSAT), pursuant to § 1.429 of the Commission's Rules, hereby respectfully petitions the Commission for reconsideration of its *Report and Order*, FCC 06-149 (the R&O), a summary of which was published Nov. 15, 2006 in 71 Fed. Reg. 66460-66465, as the R&O pertains to orbital debris mitigation (§ 97.207(g) of the Commission's Rules as adopted therein, hereinafter referred to as the orbital debris amendments), and requests that the effective date of the orbital debris amendments be stayed, pursuant to § 1.429(k) [47 C.F.R. § 1.429(k)], pending the final adjudication of this petition. This Petition is timely filed. For its Petition, AMSAT states as follows.

1. The full R&O, at footnote 169, states with respect to this issue:

The Commission also sought comment on what actions it should take if it is presented with an orbital debris mitigation plan that is deficient in some way as to the orbital debris mitigation practices of an amateur service space station (*sic*). *Id.* at 7327 ¶ 77. We note that the issue of orbital debris mitigation plans was addressed last year and, therefore, the issue raised in the *NPRM* is moot. *See* Mitigation of Orbital Debris, *Second Report and Order*, IB Docket No. 02-54, 19 FCC Rcd 11567 (2004), *recon. pending*.

2. With due respect, the issue is not moot at all. The revised version of § 97.207(g) adopted in the R&O is identical to that adopted in IB Docket No. 02-54, the International Bureau's proceeding in the Matter of Mitigation of Orbital Debris. As footnote 169 correctly observes, a Petition for Reconsideration with respect to that section, filed by AMSAT, is pending in IB Docket No. 02-54 and has not been acted upon. Accordingly, the Federal Register notice relating to the *Second Report and Order* in IB Docket No. 02-54, at 69 Fed. Reg. 54581-54589, specifically excluded § 97.207, and the revised § 97.207(g) is not now in effect. Absent AMSAT's Petition for Reconsideration in IB Docket No. 02-54, the revised § 97.207(g) would take effect on December 15, 2006 and, hence, the R&O actually would constitute final adoption of the proposed rule.

3. In IB Docket No. 02-54, AMSAT filed Comments on July 17, 2002; a letter in lieu of a regulatory flexibility analysis on the same date; Reply Comments on August 18, 2002; the aforementioned Petition for Reconsideration on October 12, 2004; a Reply to Oppositions on December 27, 2004; and an *ex parte* meeting report on May 5, 2005. These filings are hereby incorporated into this Petition by reference and made a part of the present rulemaking proceeding. Nothing in the record of the present proceeding or that of IB Docket No. 02-54 indicates that the issues addressed therein have ever been considered. We respectfully urge the Commission to consider them on their merits, in view of the requirements that it do so contained in its own regulations and the Administrative Procedure Act.

4. With respect to the aforementioned Reply to Oppositions, it should be noted that no comments actually opposed to AMSAT's Petition for Reconsideration were filed by anyone. Rather, several comments were filed in support of AMSAT's Petition, which AMSAT elected to treat as oppositions in order to consider and address the issues raised therein.

5. § 97.207(g), excluding the orbital debris amendments, is intended to conform with the ITU notification procedures set forth in Articles 9 and 11 of the ITU Radio Regulations. Plans for the mitigation of orbital debris are not a part of those procedures, nor are they part of the information required by Appendix 4 and Resolution No. 642 of the Radio Regulations. Indeed, Resolution No. 642 was included by the ITU to reduce the burden of the procedures on the amateur-satellite service.

6. AMSAT therefore respectfully requests that the orbital debris amendments be deleted.

7. With respect to AMSAT's request, *supra*, that the effective date of the orbital debris amendments be stayed pursuant to § 1.429(k) [47 C.F.R. § 1.429(k)], the R&O would require the submission of an orbital debris mitigation plan and certain related information. However, the R&O does not say what would constitute a plan acceptable to the Commission, nor does it specify what action the Commission might take if it finds the submitted plan to be unacceptable.

8. With all due respect, this would place the prospective owner and builder of the spacecraft in an untenable position. Without knowing in advance what it has to do in order to satisfy the Commission, it would be impossible for the owner/builder to estimate, budget for, and fund the cost of compliance. Nor would it be able to contract for a launch, in view of the unknown amount of time such compliance measures might consume, as well as the uncertain outcome. No prudent manager would authorize the funding of nor the making of a launch commitment for such a spacecraft given this regulatory uncertainty.

9. Moreover, as discussed more fully in AMSAT's Reply to Oppositions in IB Docket 02-54, *supra*, recognized authorities in the field have noted the lack of reliable technical data upon which to base the estimates required by the orbital debris amendments, as they would apply to small LEO spacecraft of the types most commonly employed to carry space stations in the

amateur-satellite service. AMSAT agrees. This only adds to the regulatory uncertainty discussed above.

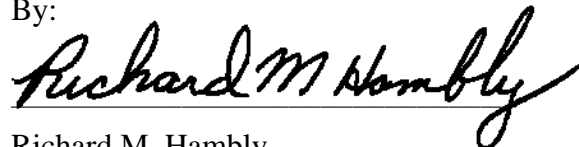
10. It is for these reasons that AMSAT believes that the orbital debris amendments would cause irreparable harm to those responsible for building and funding the many satellite projects currently in design and construction stages which would carry amateur space stations into orbit. It would, in effect, put such projects into limbo indefinitely. With respect to those projects which have already contracted for launches, it would place in serious jeopardy their ability to meet their launch commitments. This, in turn, would likely result in substantial additional costs and delays, or even eliminate altogether the benefits intended to result from such projects. AMSAT therefore requests that the effective date of the orbital debris amendments be stayed pending the final adjudication of this petition.

11. AMSAT has no present comments on issues other than orbital debris mitigation which are considered in the R&O, but reserves the right to comment on them at a later date should they come up in any other petition for reconsideration which may be filed by others.

RESPECTFULLY SUBMITTED,

RADIO AMATEUR SATELLITE CORPORATION
P.O. Box 27
Washington, DC 20044-0027

By:

A handwritten signature in black ink, reading "Richard M. Hambly". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

Richard M. Hambly
President

December 14, 2006